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2 Nevada Bar No. 8661
3 **ROBISON, BELAUSTEGUI, SHARP & LOW**
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5 Reno, Nevada 89503
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9 *Attorneys for William McGrane*

10 **UNITED STATES BANKRUPTCY COURT**
11 **DISTRICT OF NEVADA**

12 IN RE:

13 ANTHONY THOMAS and
14 WENDI THOMAS,

15 Debtors.

Case No. BK-N-14-50333-btb
Chapter 11

**NOTICE OF REFUSAL OF
AMERICAN ARBITRATION
ASSOCIATION TO COMPLY WITH
COURT ORDER AND EX PARTE
REQUEST FOR COURT TO ISSUE
ORDER TO THE AMERICAN
ARBITRATION ASSOCIATION TO
APPEAR AND SHOW CAUSE FOR
ITS FAILURE TO COMPLY WITH
AN ORDER OF THIS COURT**

Hearing Date: N/A – Ex Parte
Time: N/A – Ex Parte
Set By: N/A – Ex Parte

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20 TO THIS HONORABLE COURT please take notice that the American Arbitration
21 Association (AAA) has refused to obey and honor the Order Approving Stipulation For Comfort
22 Order That Automatic Stay Does Not Apply To Litigation Filed by Debtor Anthony Thomas Pre-
23 Petition [California State Court Litigation], Dkt. 45, (the “Order”) which this Court entered in
24 the above-entitled action on April 11, 2014.

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26 The Order confirms that there is no stay in effect with respect to the California State
27 Court Action (as defined in the Order). AAA was provided with a copy of the Order and the
28

1 associated Stipulation For Comfort Order That Automatic Stay Does Not Apply To Litigation
2 Filed By Debtor Anthony Thomas Pre-Petition [California State Court Litigation], Dkt. 43,
3 executed by the undersigned as counsel for Mr. McGrane and Ms. Estes as counsel for the
4 Debtors, Anthony Thomas and Wendi Thomas. AAA refuses to proceed with the arbitration
5 proceeding in the California State Court Action, contending that the automatic stay precludes it
6 from doing so. *See*, Declaration of Stefanie T. Sharp, Esq. filed in support of this application.
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8 Therefore, the undersigned as counsel for, and on behalf of, William McGrane
9 respectfully requests that this Court issue an Order to Show Cause to AAA ordering it to appear
10 and so cause for its failure to honor and comply with the Order. A proposed Order to Show
11 Cause is attached hereto as Exhibit A.
12

13 The undersigned counsel for William McGrane has also caused a copy of this notice and
14 application and the associated supporting Declaration of Stefanie T. Sharp, Esq. to be served on
15 AAA. *See*, Certificates of Service attached hereto and to the Declaration of Stefanie T. Sharp
16 filed in support hereof.
17

18 DATED this 20th day of June, 2014.

19 ROBISON, BELAUSTEGUI, SHARP & LOW
20 A Professional Corporation
21 71 Washington Street
22 Reno, Nevada 89503

23 By: /s/ Stefanie T. Sharp
24 Stefanie T. Sharp, Esq.
25 *Counsel for William McGrane*
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Exhibit A
Proposed Order to Show Cause

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9 *Attorneys for William McGrane*

10 **UNITED STATES BANKRUPTCY COURT**
11 **DISTRICT OF NEVADA**

12 IN RE:

13 ANTHONY THOMAS and
14 WENDI THOMAS,

15 Debtors.

Case No. BK-N-14-50333-btb
Chapter 11

ORDER TO ARBITRATION
ASSOCIATION TO SHOW CAUSE
FOR ITS FAILURE TO COMPLY
WITH COURT ORDER

Hearing Date: _____, 2014

Time: _____

Set By: _____

17 Upon the *Notice of Refusal Of American Arbitration Association To Comply With Court*
18 *Order And Ex Parte Request For Court To Issue Order To The American Arbitration Association*
19 *To Appear And Show Cause For Its Failure To Comply With An Order Of This Court, Dkt. _____,*
20 *and the Declaration of Stefanie T. Sharp in support thereof, Dkt. _____, filed by William*
21 *McGrane by and through his counsel Robison, Belaustegui, Sharp & Low, and good cause*
22 *appearing,*

23 **IT IS HEREBY ORDERED** that:

24 1. The American Arbitration Association ("AAA") is hereby ordered to appear and
25 show cause for its failure to comply with the Order Approving Stipulation For Comfort Order
26 That Automatic Stay Does Not Apply To Litigation Filed By Debtor Anthony Thomas Pre-
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Petition [California State Court Litigation], Dkt. 45, (the "Order"), at _____
a.m./p.m. at the U.S. Bankruptcy Court, 300 Booth Street, Reno, Nevada, 89509.

2. The date for filing any response to the *Notice of Refusal Of American Arbitration Association To Comply With Court Order And Ex Parte Request For Court To Issue Order To The American Arbitration Association To Appear And Show Cause For Its Failure To Comply With An Order Of This Court* shall be _____.

3. The date for filing any reply to any response shall be _____.

4. The date by which service of this Order shall be completed is

_____. AAA shall be served by mail and email as follows:

By Mail To:

American Arbitration Association
6795 N. Palm Ave. 2nd Floor
Fresno, California 93704
Attn: Jeffrey Garcia, Vice President

By Email To:

Jeffrey Garcia, Vice President - JeffreyGarcia@adr.org

Submitted By:

ROBISON, BELAUSTEGUI, SHARP & LOW

a Professional Corporation
71 Washington Street
Reno, Nevada 89503

By: /s/ Stefanie T. Sharp
Stefanie T. Sharp
Counsel for William McGrane

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CERTIFICATE OF SERVICE

I served a true and correct copy of the within **NOTICE OF REFUSAL OF AMERICAN ARBITRATION ASSOCIATION TO COMPLY WITH COURT ORDER AND EX PARTE REQUEST FOR COURT TO ISSUE ORDER TO THE AMERICAN ARBITRATION ASSOCIATION TO APPEAR AND SHOW CAUSE FOR ITS FAILURE TO COMPLY WITH AN ORDER OF THIS COURT** on June 20, 2014, by the following

means to the persons as listed below:

X Electronically pursuant to the Court's ECF System to:

KEVIN A. DARBY on behalf of Creditor FM HOLDINGS
kevin@darbylawpractice.com, alecia@darbylawpractice.com;
sarah@darbylawpractice.com; itati@darbylawpractice.com;
tricia@darbylawpractice.com

KEVIN A. DARBY on behalf of Creditor MARKET LINK INC.
kevin@darbylawpractice.com, alecia@darbylawpractice.com;
sarah@darbylawpractice.com; itati@darbylawpractice.com;
tricia@darbylawpractice.com

KEVIN A. DARBY on behalf of Creditor JERRY FERRARA
kevin@darbylawpractice.com, alecia@darbylawpractice.com;
sarah@darbylawpractice.com; itati@darbylawpractice.com;
tricia@darbylawpractice.com

KEVIN A. DARBY on behalf of Creditor TODD ARMSTRONG
kevin@darbylawpractice.com, alecia@darbylawpractice.com;
sarah@darbylawpractice.com; itati@darbylawpractice.com;
tricia@darbylawpractice.com

KEVIN A. DARBY on behalf of Interested Party KIT MORRISON
kevin@darbylawpractice.com, alecia@darbylawpractice.com;
sarah@darbylawpractice.com; itati@darbylawpractice.com;
tricia@darbylawpractice.com

TIMOTHY A LUKAS on behalf of Creditor BEACH LIVING TRUST JOHN BEACH,
AS TRUSTEE
ecflukast@hollandhart.com

1 WAYNE A. SILVER on behalf of Creditor KENMARK VENTURES, LLC
2 w_silver@sbcglobal.net, ws@waynesilverlaw.com

3 WAYNE A. SILVER on behalf of Plaintiff KENMARK VENTURES, LLC
4 w_silver@sbcglobal.net, ws@waynesilverlaw.com

5 ALAN R SMITH on behalf of Debtor AT EMERALD, LLC
6 mail@asmithlaw.com

7 ALAN R SMITH on behalf of Debtor ANTHONY THOMAS
8 mail@asmithlaw.com

9 ALAN R SMITH on behalf of Jnt Admin Debtor AT EMERALD, LLC
10 mail@asmithlaw.com

11 ALAN R SMITH on behalf of Joint Debtor WENDI THOMAS
12 mail@asmithlaw.com

13 AMY N. TIRRE on behalf of Creditor KENMARK VENTURES, LLC
14 amy@amytirrelaw.com, admin@amytirrelaw.com

15 AMY N. TIRRE on behalf of Plaintiff KENMARK VENTURES, LLC
16 amy@amytirrelaw.com, admin@amytirrelaw.com

17 U.S. TRUSTEE - RN - 11
18 USTPRegion17.RE.ECF@usdoj.gov

19 X United States Mail, postage prepared to:

20 American Arbitration Association
21 6795 N. Palm Ave. 2nd Floor
22 Fresno, California 93704
Attn: Jeffrey Garcia, Vice President

23 X By Email to:
24 Jeffrey Garcia, Vice President - JeffreyGarcia@adr.org

25 DATED: June 20, 2014.

26 
27 CLAUDIA ZAEHRINGER
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